

1 MICHAEL VON LOEWENFELDT (178665)
ADRIAN J. SAWYER (203712)
2 **KERR & WAGSTAFFE LLP**
100 Spear Street, Suite 1800
3 San Francisco, CA 94105-1528
Telephone: (415) 371-8500
4 Fax: (415) 371-0500

5 Attorneys for Plaintiff
JOHN ERIC PERTH
6
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 JOHN ERIC PERTH, an individual,
11 Plaintiff,
12 v.

13 LOUIS DAVIS, an individual, and SUE ANN
14 DAVIS, an individual,
15 Defendants.

Case No. CV 08 3115 CRB

**SECOND STIPULATION FOR
EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

Pursuant to Civil Local Rule 6-1(a), the parties to this action hereby stipulate to extend by another two (2) weeks the date by which Defendants Louis Davis and Sue Ann Davis must file a responsive pleading to the Complaint in this action which was served upon Defendants on July 17, 2008. A responsive pleading was originally due by August 6, 2008. Plaintiff agreed to extend that deadline to August 20, 2008, and the Court approved that extension on August 8, 2008.

Defendants will not, in fact, be represented by the attorneys who signed the first stipulated extension on their behalf, and are still attempting to retain counsel. Defendants have requested an additional two weeks to retain counsel and respond to the complaint. That would provide defendants with up to and including **September 3, 2008** to file and serve their response. Defendants agree that they will file and serve a response either through counsel or *in propria personam* by that date. This second extension of time will not alter or otherwise affect any other date or deadline already fixed by order of the Court.

IT IS SO STIPULATED.

DATED: August 19, 2008

KERR & WAGSTAFFE LLP

By


MICHAEL VON LOEWENFELDT
ADRIAN J. SAWYER

Attorneys for Plaintiff
JOHN ERIC PERTH

DATED: August ____, 2008

LOUIS DAVIS, *for himself*

DATED: August ____, 2008

SUE ANN DAVIS, *for herself*

1 Pursuant to Civil Local Rule 6-1(a), the parties to this action hereby stipulate to extend by
2 another two (2) weeks the date by which Defendants Louis Davis and Sue Ann Davis must file a
3 responsive pleading to the Complaint in this action which was served upon Defendants on July
4 17, 2008. A responsive pleading was originally due by August 6, 2008. Plaintiff agreed to
5 extend that deadline to August 20, 2008, and the Court approved that extension on August 8,
6 2008.

7 Defendants will not, in fact, be represented by the attorneys who signed the first
8 stipulated extension on their behalf, and are still attempting to retain counsel. Defendants have
9 requested an additional two weeks to retain counsel and respond to the complaint. That would
10 provide defendants with up to and including September 3, 2008 to file and serve their response.
11 Defendants agree that they will file and serve a response either through counsel or *in propria*
12 *personam* by that date. This second extension of time will not alter or otherwise affect any other
13 date or deadline already fixed by order of the Court.

14 IT IS SO STIPULATED.

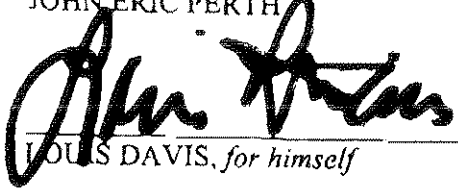
15
16 DATED: August ____, 2008

KERR & WAGSTAFFE LLP

17
18 By _____
19 MICHAEL VON LOEWENFELDT
20 ADRIAN J. SAWYER

Attorneys for Plaintiff
JOHN ERIC PERTH

21
22 DATED: August 17, 2008


LOUIS DAVIS, for himself

23
24 DATED: August 19, 2008


SUE ANN DAVIS, for herself

PROOF OF SERVICE

I, Andrew Hanna, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, California 94105.

On August 19, 2008, I served the following document(s):

**SECOND STIPULATION FOR EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO COMPLAINT**

on the parties listed below as follows:

Louis Davis
2443 Fillmore St., # 224
San Francisco, CA 94115

Sue Ann Davis
2443 Fillmore St., # 224
San Francisco, CA 94115

☒ **By first class mail** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

☐ **By facsimile machine (FAX)** by personally transmitting a true copy thereof via an electronic facsimile machine.

☐ **By personal service** by causing to be personally delivered a true copy thereof to the address(es) listed herein at the location listed herein.

☐ **By Federal Express** or overnight courier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 19, 2008, at San Francisco, California.



Andrew Hanna